

118TH CONGRESS
1ST SESSION

S. 3107

To provide that chapter 1 of title 9 of the United States Code, relating to the enforcement of arbitration agreements, shall not apply to enrollment agreements made between students and certain institutions of higher education, and to prohibit limitations on the ability of students to pursue claims against certain institutions of higher education.

IN THE SENATE OF THE UNITED STATES

OCTOBER 24, 2023

Mr. DURBIN (for himself, Mr. BLUMENTHAL, Mr. BOOKER, Mr. FETTERMAN, Ms. HIRONO, Mr. MARKEY, Mr. REED, Ms. WARREN, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide that chapter 1 of title 9 of the United States Code, relating to the enforcement of arbitration agreements, shall not apply to enrollment agreements made between students and certain institutions of higher education, and to prohibit limitations on the ability of students to pursue claims against certain institutions of higher education.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Court Legal Access
3 and Student Support Act of 2023” or the “CLASS Act
4 of 2023”.

5 **SEC. 2. INAPPLICABILITY OF CHAPTER 1 OF TITLE 9,**
6 **UNITED STATES CODE, TO ENROLLMENT**
7 **AGREEMENTS MADE BETWEEN STUDENTS**
8 **AND CERTAIN INSTITUTIONS OF HIGHER**
9 **EDUCATION.**

10 (a) IN GENERAL.—Chapter 1 of title 9 of the United
11 States Code (relating to the enforcement of arbitration
12 agreements) shall not apply to an enrollment agreement
13 made between a student and an institution of higher edu-
14 cation.

15 (b) DEFINITIONS.—In this section:

16 (1) ENROLLMENT AGREEMENT.—The term
17 “enrollment agreement” means any contract or
18 agreement between a student and an institution of
19 higher education under which the student makes a
20 financial commitment to the institution in exchange
21 for enrollment in a program of study at the institu-
22 tion.

23 (2) INSTITUTION OF HIGHER EDUCATION.—The
24 term “institution of higher education” has the
25 meaning given such term in section 102 of the High-
26 er Education Act of 1965 (20 U.S.C. 1002).

1 **SEC. 3. PROHIBITION ON LIMITATIONS ON ABILITY OF STU-**
2 **DENTS TO PURSUE CLAIMS AGAINST CER-**
3 **TAIN INSTITUTIONS OF HIGHER EDUCATION.**

4 Section 487(a) of the Higher Education Act of 1965
5 (20 U.S.C. 1094(a)) is amended by adding at the end the
6 following:

7 “(30) The institution will not require any stu-
8 dent to agree to, and will not enforce, any limitation
9 or restriction (including a limitation or restriction on
10 any available choice of applicable law, a jury trial,
11 or venue) on the ability of a student to pursue a
12 claim, individually or with others, against an institu-
13 tion in court.”.

14 **SEC. 4. EFFECTIVE DATE.**

15 This Act and the amendments made by this Act shall
16 take effect 1 year after the date of enactment of this Act.

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